

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM L HARRIS,

**Plaintiff,**

v.

CITY OF KENT, et al.,

## Defendants.

Case No. C20-1045 RSM-TLF

## ORDER ON MOTION TO COMPEL MEDIATION

This matter comes before the Court on plaintiff's motion to compel mediation.

Dkt. 97. This matter has been referred to the undersigned Magistrate Judge. *Mathews, Sec'y of H.E.W. v. Weber*, 423 U.S. 261 (1976); 28 U.S.C. § 636(b)(1)(B); Local Rule MJR 4(a)(4). For the reasons set forth herein, plaintiff's motion to compel is denied.

Plaintiff brings this motion requesting that the Court order the parties to engage in mediation before a Court appointed mediator. Dkt. 97. Plaintiff indicates that the parties previously discussed participating in mediation, but have not reached an agreement on whether mediation would be beneficial. Dkt. 97. Plaintiff states that he requested that defendants attend mediation and the defendants have refused. Dkt. 97.

Defendants have opposed plaintiff's motion. Dkt. 98. Defendants indicate that the parties discussed potential alternative dispute resolution. Dkt. 98. Defendants also expressed that the parties have reached an impasse in settlement discussions, but plan to conduct a settlement conference. Dkt. 98.

Participation in alternative dispute resolution is voluntary unless the Court orders the parties to participate. LCR 39.1(a)(4). The local rules grant the Court the authority to require mediation when doing so would yield “significant benefits.” *Chung v. Wash. Interscholastic Activities Ass’n*, No. 19-5730-RSM, 2021 U.S. Dist. LEXIS 43023 at \* 3 (W.D. Wash., March 8, 2021). However, the Court can waive mediation requirements when mediation would not be fruitful. *Id.*

Here, it appears that the parties do not concur with each other about whether mediation would be beneficial. Additionally, the parties indicate they have participated in several rounds of settlement negotiations and anticipate future settlement negotiations. Accordingly, under LCR 39.1(a)(4), court-ordered mediation at this time (over defendants' objection) would not yield significant benefits.

Based on the foregoing, the Court DENIES plaintiff's motion to compel mediation (Dkt. 97).

Dated this 24th day of November, 2021.

Theresa L. Fricke

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Theresa L. Fricke  
United States Magistrate Judge